

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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JERMAINE CARSON,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:20-cv-00399
	:	
TIMOTHY TUCKER, and WESTERN	:	
EXPRESS, INC.,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of April, 2020, upon consideration of Defendants' motion for a more definitive statement, partial motion to dismiss, and motion to strike, ECF No. 13, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion, ECF No. 13, is **GRANTED in part and DENIED in part** as follows:
  - a. Defendants' motion for a more definitive statement is **GRANTED** as to subparagraphs aa, bb, cc, dd, pp, and qq of paragraph 24; subparagraphs aa, bb, cc, dd, pp, and qq of paragraph 32; and subparagraphs t and x of paragraph 33. The motion is **DENIED** as to the remaining subparagraphs Defendants sought for Plaintiff to define more clearly.
  - b. Defendants' partial motion to dismiss is **GRANTED**. Counts Two and Four are **DISMISSED without prejudice**.
  - c. Defendants' motion to strike is **GRANTED**.
2. Plaintiff shall have until **May 26, 2020**, to amend his complaint in accordance with this Order and Opinion.

3. If Plaintiff fails to file an amended complaint, the case will proceed on Counts One and Three, only, of the Complaint, and subparagraphs aa, bb, cc, dd, pp, and qq of paragraph 24; subparagraphs aa, bb, cc, dd, pp, and qq of paragraph 32; and subparagraphs t and x of paragraph 33 will be stricken from the Complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge